



Attorney's Docket No. MTI-31267

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

RECEIVED

OCT 14 2003

TC 1700

In re Application of : Polinsky, William A. et al.  
Serial No. : 09/854,975  
Filing Date : May 14, 2001  
For : Modified Facet Etch to Prevent Blown Gate Oxide and Increase Etch Chamber Life  
Group Art Unit : 1765  
Examiner : Lynette T. Umez Eronini

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1.8(a)

☐ with sufficient postage as first class mail

37 CFR 1.10

☒ As "Express Mail Post Office to Addressee" Mailing Label No. EV326237118US

Transmission

☐ transmitted by facsimile to Fax No.: \_\_\_\_\_ addressed to Examiner \_\_\_\_\_ at the Patent and Trademark Office.

Date:

October 8, 2003

*John R. Hawk*

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 6, 2003, finally rejecting claims 1-21.

The item(s) checked below are appropriate:

10/10/2003 DTESSEH1 00000084 09854975

1. STATUS OF APPLICANT

01 FC:1291

330:00 08

This application is on behalf of

[X] other than a small entity.  
[ ] a small entity.

MKE/880692.1

A statement:

- ☐ is attached.  
☐ was already filed on \_\_\_\_\_.

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- ☐ small entity \$165.00  
☒ other than a small entity \$330.00

**Notice of Appeal Fee due \$330.00**

## 3. EXTENSION OF TERM

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

**Extension Fee \$ 950.00**

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- (a) ☐ An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**RECEIVED**  
**OCT 14 2003**  
**TC 1700**

Or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 330.00  
Extension fee \$ 950.00

**TOTAL FEE DUE \$1,280.00**

## 5. FEE PAYMENT

- ☒ Attached is a check in the sum of \$1,280.00  
☐ Charge Account No. 23-2053 the sum of \$ .00.  
A duplicate of this transmittal is attached.

## 6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

- ☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 23-2053 .

AND/OR

- ☐ If any additional fee for claims is required, charge Account No. \_\_\_\_\_ .

Date: October 8, 2003

Alan E. Wagner  
SIGNATURE OF PRACTITIONER

Reg. No. 45188  
Tel. No.: (414) 273-2100  
Customer No.: 31870

Alan E. Wagner  
111 East Wisconsin Avenue, Suite 2100  
Milwaukee, WI 53202